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COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 40th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 February 1995, at 7 p.m.

Chairman: Mr. DOBREV (Bulgaria)

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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

The meeting was called to order at 7.10 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: (agenda item 11) (continued)

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

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(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(E/CN.4/1995/5 and Add.1, 42-45, 46 and Add.1, 48, 49, 50 and Add.1-3, 51, 107, 113, 147; E/CN.4/1995/NGO/5, 8, 22, 28)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 21) (continued) (E/CN.4/1995/85, 87 and Add.1, 88, 89 and Add.1, 90; E/CN.4/1995/NGO/10; A/49/635 and Add.1)

1. Mr. NFOR GWEI ON (Cameroon), speaking on agenda item 11 (b), said that his country's National Commission on Human Rights and Freedoms had been in operation for three years. Although the subject of human rights was of great concern to Cameroon, which had ratified almost all international human rights instruments, the Commission had found it difficult to ensure that theory was translated into practice. The lack of awareness of most Cameroonians, particularly those in rural areas, of their human rights, the problems arising from the transition from a single-party to a multi-party system, and economic depression were among the difficulties which had hindered the advancement of the human rights cause.

2. However, since the promulgation in 1990 of the "liberty laws", which, among other reforms, had abolished political prisons and revised the law on press freedom, the situation had improved. Cameroonians now felt free to report human rights violations, and as a result the Commission had been flooded with complaints on matters ranging from arbitrary arrest and detention to illegal dismissal from employment, non-payment of pension benefits and delays in payment of salaries. Many of the complaints called for prompt on-the-spot investigation, but unfortunately the Commission's scope for action was limited by lack of financial, material and human resources.

3. In an effort to combat widespread ignorance of human rights legislation, the Commission had embarked on an education programme which included instruction in schools, seminars, workshops, press conferences and interviews on radio and television. In particular, it had organized a three-day training seminar for administrative officers and high-ranking members of the military, the police and the prison service, designed to sensitize them to the need to

respect human rights in the discharge of their duties. Under a second project, 76,000 human rights posters had been put up in public places throughout the country.

4. He thanked the High Commissioner for Human Rights for his positive initiative in devising a preventive human rights action training programme for Burundi designed to prevent impending catastrophe. He hoped that that type of programme would not be limited to Burundi, since it was greatly needed by many other developing countries; he urged the High Commissioner to take the necessary steps to meet that important need.

5. Mr. YOUNG SAM MA (Republic of Korea) said his delegation appreciated the increasing concern shown by both the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities about the question of systematic rape and sexual violence during wartime. Tragic incidents during recent conflicts in certain parts of the world had served as alarming reminders of the vulnerability of women to such atrocities, and more attention should be paid to them by the international community, including the United Nations.

6. The preliminary report recently submitted by the Special Rapporteur on violence against women (E/CN.4/1995/42) was of critical importance, because it would provide a basis for further discussion of the problem of Korean "comfort women" victimized during the Second World War. The report maintained that, despite the half century that had elapsed since the end of the war, that problem was still of concern, and pointed out that its solution could set a legal precedent for the prosecution of perpetrators of systematic rape and sexual slavery in times of armed conflict.

7. He welcomed the decision taken by the Sub-Commission at its forty-sixth session to have a working paper prepared on the subject, and also its decision to transmit information concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteurs on the question of the impunity of perpetrators of human rights violations for their consideration.

8. His Government had urged the Japanese Government to make a thorough investigation of the matter, in the hope that such an investigation would lead to a better understanding of history and thus prevent a repetition of the same mistakes. The statement by a minister of the Japanese Government in August 1993 had been a positive step, and his delegation hoped that the follow-up measures promised would be effective.

9. Lastly, he strongly supported the efforts being made by non-governmental organizations (NGOs) both at home and abroad, together with United Nations initiatives, and hoped that the Commission would continue to address the matter, which even today remained of grave concern to the Korean Government and people.

10. Mr. LAKATOS (Hungary), speaking on agenda item 11 (d), said that one of the main reasons for the current mass exoduses and refugee flows was the lack of human rights guarantees. He was convinced that an appropriate human rights policy was the most effective way to address the problem. Human rights could

not be considered as an exclusively internal affair: the international community had a responsibility to call upon States to fulfil their obligations in that respect. Almost all countries with a large population of internally displaced persons were also refugee-producing countries, and the factors causing refugees and displaced persons to flee their homes were often identical. As a result, protection and assistance to internally displaced persons were major tools in preventing refugee outflows. Because civil war was often the root cause of displacement, mechanisms for providing protection and assistance would have to be coordinated with mechanisms for peacemaking, peace-keeping and post-conflict peace-building. It should be recognized that in the absence of political will, humanitarian assistance and an international presence could not in themselves provide effective protection for victims or prevent further displacements or refugee flows.

11. Prevention was the most effective form of protection for persons in danger of becoming refugees, and its success depended on effective early warning of imminent displacements. Early warning, in turn, relied on the systematic collection and analysis of information from potential refugee-producing areas; such information should be made available promptly and without restriction to all interested Governments. Stronger inter-agency cooperation was needed, and in that regard he welcomed the establishment by the Administrative Committee on Coordination of the Ad Hoc Consultation on early warning regarding new flows of refugees and displaced persons.

12. Similarly, the most reliable method for anticipating problems was by direct human rights monitoring in the field. The presence of external witnesses might itself deter some abuses and, if deterrence failed, monitors could warn Governments and the international community to take appropriate action. Indeed, preventive action could help to avoid such disasters as the collapse of Governments or the outbreak of internal or international conflicts.

13. Under existing humanitarian law, the international community had a legitimate concern with the plight of people in refugee-like situations inside their native countries, but at present the Office of the United Nations High Commissioner for Refugees (UNHCR) was ill-equipped to deal with such situations. There was thus an urgent need to set up an effective mechanism to deal with the problem, and he suggested that work might be begun on a legal instrument addressing it specifically. There were obvious gaps in the existing law with regard to the specific needs of internally displaced persons, and he urged that existing international norms and standards governing the matter should be consolidated and reviewed.

14. As the number of refugees continued to grow, temporary protection, followed by voluntary repatriation with an international presence to monitor the safety of returnees, would seem to be the best durable solution. A focus on safety of return and reintegration would mean that organizations involved would have to shift their operational priorities from receiving countries to countries of origin. Existing United Nations human rights machinery needed to be strengthened and applied more effectively to deal with refugees, returnees and internally displaced persons. The protection of minority rights was particularly important in the case of refugee flows arising from ethnic conflicts.

15. In conclusion, he paid tribute to the brave men and women of UNHCR and other humanitarian organizations who were risking their lives to protect and assist refugees and displaced persons.

16. Mr. RAVALOSON (Observer for Madagascar) said that despite serious economic and financial constraints, his country's authorities were making every effort to ensure respect for human rights. However, action at the international level was also needed, and it was for that reason that Madagascar had welcomed the Vienna Declaration and Programme of Action, which had stressed the importance of strengthening the World Public Information Campaign for Human Rights. He appealed to all those concerned to continue to support the United Nations Centre for Human Rights both financially and in terms of human and material resources, and in particular urged that the Voluntary Fund for Technical Cooperation in the field of Human Rights should be supplemented on a regular basis, so that the Centre could operate under optimum conditions and the world information campaign could be made more effective.

17. His delegation considered that national human rights institutions, if they were to be effective, required a political regime based on respect for the law and individual freedoms, as well as an independent and impartial Judiciary. Such institutions should enjoy considerable independence and a high level of credibility, and should be accorded a legal status recognized both nationally and internationally, notably within the various United Nations human rights bodies. They should be entitled to participate as a right in meetings of such bodies on all questions of interest to them, and should be authorized to act independently of the Governments of their respective countries, even formulating opinions at variance with those of their Governments should the occasion arise.

18. In particular, he endorsed the views expressed by the Canadian Human Rights Commission in the report by the Secretary-General on the matter (E/CN.4/1995/48). National institutions should in fact be given a status in keeping with the principle of independence recognized by General Assembly resolution 48/134 as applicable to them: a status similar to that of non-governmental human rights bodies would be wholly inadequate. They should at the very least enjoy a status similar to that of a United Nations specialized agency, although care should be taken to ensure that the administrative implications of that status were not unduly burdensome to United Nations human rights bodies.

19. Indeed, even more could be done in that direction. While recognizing the considerable progress made in reassessing the status of national institutions following General Assembly resolution 48/134, and the effectiveness of the procedures initiated through the Human Rights Committee, he believed that United Nations decision-making bodies should undertake a study with a view to according established national institutions a rank and status equivalent to those of Governments where discussion of human rights matters within the United Nations was concerned. That would make it possible for all points of view to be expressed, and would serve as a brake on the frequent abuses committed by Governments acting as judges in their own cases.

20. Admittedly such a reform, which represented a departure from the traditional concept of the sovereign State to which the United Nations had subscribed since its foundation, would call for discussions ranging beyond the field of competence of the Commission, and would concern other decision-making bodies such as the General Assembly. However, he believed that was the price to be paid if the cause of human rights was to be advanced. A parity-based structure of that kind would not be entirely foreign to the United Nations system, since it would be based on the formula in force in the International Labour Organization, which was also active in regard to human rights norms.

21. Turning to agenda item 21, he said that Madagascar attached the greatest importance to implementation by United Nations bodies of decisions on advisory and technical cooperation services. International cooperation through such services was vital in assisting countries wishing to improve their own human rights protection systems, so that they could fulfil their international obligations despite their lack of financial and technical resources. Madagascar was hoping to benefit from such services in the near future, and hoped also to be a beneficiary of donations to the Fund for Voluntary Contributions. His delegation requested that when choosing projects for advisory and technical cooperation services, priority should be given to requests from the least developed countries.

22. Mrs. PLATTNER (International Committee of the Red Cross) said that while the mandate of ICRC was to protect and assist victims in situations of armed conflict and internal disturbance, it also had the task of monitoring the application of international humanitarian law in such situations. It was therefore constantly making representations to the authorities to ensure that they did not treat as enemies people who were not fighting against them, and afforded humane treatment to enemies who were hors de combat. Its efforts to reduce the suffering of victims often encountered problems, notably when the international community lost interest in conflicts which had been too long in the limelight.

23. A recent meeting of intergovernmental experts in Geneva had adopted a number of recommendations designed to prevent violations of international humanitarian law in time of war. Nevertheless, the problem of the attitude to be adopted in the face of deliberate determination to flout that law during armed conflict was still unsolved, and the impact of ICRC action in such circumstances was very limited. Deliberations on the measures which had been recommended at the meeting of experts should thus continue, so that the international community would be able to react decisively to tragedies that were spectacularly reported by the media but often forgotten or ignored by public opinion. ICRC, for its part, would intensify its contacts with Governments and alert them to any major violations, so that they could fulfil their responsibility to ensure respect for international humanitarian law under article 1 of all four Geneva Conventions.

24. She expressed appreciation for the work of the Secretary-General's Representative on internally displaced persons, work with which ICRC had been associated for a number of years. Her organization believed that a situation-based approach should continue to prevail over an approach based on categories of individuals: violations of humanitarian law affecting displaced

persons could not be dissociated from those which caused displacement, or from violations committed against the civilian population during military operations. It welcomed the research being carried out with a view to identifying the rules protecting internally displaced persons, research which had highlighted the relevance of international humanitarian law. A set of principles or a declaration relating to internally displaced persons might usefully serve as a reminder of the protection afforded by that law.

25. Another cause of population movement was the indiscriminate use of mines. It should be realized that mines killed 800 people a month, most of them women, children and farmers: no fewer than 100 million mines had been laid in 62 countries and had created huge "no-go areas", thus depriving the population of food supplies and forcing them to leave their villages. The scale of the suffering they inflicted was such that ICRC had launched a campaign to mobilize public opinion in favour of a total ban on mines.

26. In situations which were not covered by international humanitarian law, notably internal disturbances, the number of victims could also be high, and for their protection consideration should be given to the Declaration on Minimum Humanitarian Standards adopted by a group of experts in Turku (Finland) in December 1990 and recommended for further study by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. That Declaration deserved in-depth examination by States.

27. Ms. BREEDS (Women's International League for Peace and Freedom) welcomed the report by the Special Rapporteur on violence against women (E/CN.4/1995/42). While the League shared the outrage expressed in that report at mass rapes committed in armed conflicts, it also saw a need to pay attention to all forms of violence suffered by women as a result of such conflicts.

28. It was the primary duty of States to guarantee the security of its citizens and to find peaceful solutions to conflicts. Security implied enjoyment of basic rights, freedom from hunger and fear, adequate housing, and, crucially for women, guarantees of physical safety. States frequently invoked national security as an excuse for using military means to solve conflicts, but in so doing they in fact jeopardized the human rights of all their citizens.

29. The violence of war began well before war had even broken out. Military preparations wasted resources desperately needed for economic development. The radiation produced by nuclear-weapons testing adversely affected people's health through the contamination of food, air and water. It was estimated that by the year 2000, weapons-related environmental radiation would result in 90,000 cases of cancer worldwide, an increase in many other diseases and reproductive disorders, and 2 million miscarriages and infant deaths.

30. Modern warfare frequently made the civilian population, the majority of whom were women, its prime target. When the devastation of war created scarcities of food and resources, women's needs were the last to be met; meanwhile, they also bore the burden of ensuring the civilian population's survival. Existing forms of violence against women escalated during wartime.

In the face of horrific wartime abominations against women, it was necessary to work towards the eradication of the deep-rooted culture of war, which implicitly deemed such violence acceptable.

31. Women's double victimization, as civilians and as the targets of gender-specific crimes, was illustrated by horrifying reports on the situation of Kurdish women in Turkey. Military personnel had gathered Kurdish villagers together and then undressed and raped women in front of the whole community with the aim of obtaining information about people who had joined the guerrillas or were being sought by the military. Medical personnel had forced women to undergo gynaecological examinations to establish whether they had had sexual intercourse with their husbands and, accordingly, whether the husbands were in the vicinity. The Commission was urged to investigate those allegations.

32. The human rights violations caused by war did not stop when the fighting was over. The extremely vulnerable position of women refugees demanded special attention. Sudanese women, for example, driven out of their country because of the war in the south and religious and political persecution in the north, often fled to Egypt, where they had difficulty finding employment and were threatened with homelessness. To draw attention to their situation, they had organized a peaceful demonstration on 20 October 1994. The demonstration had been violently broken up by Egyptian security forces and many women had been injured, some of them seriously. Her organization strongly recommended that the Commission should investigate that incident and, in cooperation with UNHCR, seek a way of easing the burden of such women refugees.

33. In conclusion, her organization supported the vital work done by the Special Rapporteur on violence against women. If her work's potential was to be fully realized, however, the underlying causes of war must be taken into account. The concept of peace must be understood as an ongoing process involving the elimination of all forms of violence - domestic violence, structural violence and the violence of war.

34. Mr. ETCHART (International League for the Rights and Liberation of Peoples) noted that the presence of civil defence forces in numerous countries triggered many human rights violations. While they were described as auxiliary bodies of security forces, with the task of preserving public order and defending the public, they were actually war machines. The civil defence forces in Guatemala, for example, which were called Civil Self-Defence Patrols (PACs), kept the civilian population in a state of deep insecurity. They indulged in conscription and carried out summary executions, disappearances and torture on a daily basis and with impunity. In March 1994, a PAC unit had raided a number of houses in the village of Xalbil, stolen property from the villagers and raped a 14-year-old girl. His organization endorsed the views in paragraph 187 of the report of the independent expert on Guatemala (E/CN.4/1995/15) and noted that even the Guatemalan Procurator for Human Rights, in an interview with a Colombian newspaper, had stated that the PACs were a disruptive element in society.

35. It was disturbing to note the emergence of new types of civil defence forces, supposedly created to respond to a wave of social violence and insecurity in some countries. In reality, such groups engaged in what was

essentially "social cleansing" in cities: they physically eliminated those they considered undesirable and responsible for lack of security. Petty criminals, street children, needy and unemployed persons, and prostitutes were often murdered. In the countryside, veritable private armies were formed and financed by landowners to impose their own law on the population. At times they cooperated with the armed forces to eliminate what military manuals called the "insurgent civilian population".

36. Such activities essentially legalized vigilante groups and paramilitary organizations. His organization was deeply concerned about initiatives like the one recently proposed by the Colombian Ministry of Defence. It would involve the establishment of "rural security cooperatives" made up of civilians armed by the military and paid by the army. Although the proposal had been modified in the wake of massive NGO opposition, the exact nature of the modifications was not known.

37. The use of terrorism was reprehensible in all circumstances: no ideology, ethical outlook or political orientation could be used to justify it. It was therefore a cause of concern that the Commission had failed to speak out on State terrorism. That phenomenon was unfortunately still alive and well, and all the more shocking in that it emanated from the State itself. A number of military manuals in various countries gave instructions for carrying out terrorist acts and covert operations for the purpose of modifying a political situation or generating a new one.

38. Another area of concern to his organization was the ambiguous and loose definition of the term "terrorism", by which some States were able to brand legitimate actions of political opposition or social protest as constituting a crime. Peru and Colombia represented dramatic examples of the arbitrary and dangerous use of that definition. In 1994, a number of trade unionists, peasants and members of civic organizations had been accused of terrorist activities for actions that were by no means illegal, such as peaceful "sit-ins", in public places, strikes and protest marches. His organization appealed to the Commission to speak out against such violations of human rights.

39. Mr. GILANI (World Society of Victimology) said that in the context of Commission resolution 1994/68 on the work of the Secretary-General's Representative on internally displaced persons, the Secretary-General had received a communication from Amnesty International concerning India that had referred to the disputed State of Jammu and Kashmir. The people of Kashmir had suffered four major displacements in their history - in 1948, 1963, 1971 and 1990. In the first three, the women, children and elderly people who had fled from the army had been exclusively Muslims. The fourth displacement, which was still continuing to the present day, affected Hindus as well as Muslims.

40. The action of the Indian army, together with environmental damage, constituted the main reason for the displacement. Because 600,000 soldiers needed housing and firewood, substantial damage had been inflicted on the forests of Kashmir and the local population had been deprived of sustenance. It had been suggested that an early-warning system might be a first step towards arresting the phenomenon of displacement. Such an early-warning

system had been in place for Kashmir since 21 April 1948, when the Security Council had adopted a resolution on that state. However, the mechanism had never been respected.

41. The Representative of the Secretary-General on internally displaced persons had been asked to compile a set of factors that caused displacement. In the case of Kashmir, the "pass laws" represented one such factor. The laws authorized invasion of privacy around the clock, including travel or during religious or social activities. Segregation of men and women during pass checks at night frequently led to the rape of women. Under the pass laws, two choices were offered: either consent to sex or initial detention of six months, with possible lengthy extensions and without legal recourse. The only escape from that dilemma was displacement.

42. Resolution 1994/24, adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session, referred to the right of refugees and displaced persons to return, in safety and dignity, to their place of origin or choice. As early as 1948, the United Nations had proclaimed that right for the displaced people of Kashmir. The United Nations viewed human rights violations as a major cause of mass exodus and considered that all possible measures must be taken to improve the human rights situation, including information-gathering. Those findings had a direct bearing on the displacements in Kashmir. Unless the root cause of the human rights abuses there was addressed, and as long as India kept its army at war with the people of Kashmir, people would continue to flee their homes.

43. In its reply to the Representative of the Secretary-General on internally displaced persons, UNHCR had stressed the importance of a three-point strategy for averting circumstances which forced people to flee. The strategy entailed preparedness to provide effective protection, assistance and measures such as voluntary repatriation. Those points could be applied to Kashmir by the Commission, through its own machinery and under terms of reference conferred by the United Nations. Peace was not solely in the hands of Pakistan or India: it was also inherent in the Commission's will. It was time for a number of United Nations bodies, including the Commission, to address the serious problem of Kashmir. Peace would return to that region and the displaced inhabitants would return to their homes only when they saw the Commission taking positive steps to counteract their forcible eviction and to overcome obstacles to their return home.

44. Ms. SEIGEL (International Alliance of Women) said that her statement reflected the views of 19 organizations, in addition to her own, that were concerned with women's rights. Although there had been some progress since the Third World Conference on Women, women had still not become equal partners with men at all levels of human endeavour, including in the family. That was why the organizations for which she spoke urged the Commission to adopt by consensus the draft resolutions proposed by Canada as a follow-up to resolutions 1993/46 and 1994/45, as well as the draft resolutions on women migrants and trafficking in women.

45. As the Special Rapporteur on violence against women had pointed out, such violence was based on power and was prevalent in all peoples, social classes

and parts of the world. It was only recently that women had dared to speak out against violence. The Commission should give the Special Rapporteur all the support she needed in carrying out her difficult and important task and should act upon her preliminary recommendations.

46. A focal point on women had not yet been officially established in the Centre for Human Rights. The Commission should take urgent action to establish that post at an appropriate level, and with the necessary prestige and resources. The purpose would be to initiate such activities as the publication of a teaching manual on women's human rights, and training courses on women's rights and violence against women for judicial and medical personnel.

47. It was noteworthy that the human rights treaty bodies and special rapporteurs had begun to consider women's rights in the context of their mandates. Her organization commended the Committee on Economic, Social and Cultural Rights for its efforts in that regard, but believed that much more coordination was necessary.

48. In his report on internally displaced persons, the Representative of the Secretary-General referred to the situation of women and the need to provide special treatment in order to protect their rights (E/CN.4/1995/50/Add.1, paras. 114 to 118). He noted that women needed to be better organized, although the few women's organizations that already existed did excellent work in providing assistance and supporting income-generating programmes. A general problem for women was land ownership, which the Representative referred to in his report on Burundi (E/CN.4/1995/50/Add.2, para. 76).

49. In the report of the Secretary-General on HIV/AIDS (E/CN.4/1995/45), it was proposed that States should ensure women's active participation in primary health care and other health services. It was important that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should renew the mandate of the Special Rapporteur on traditional practices harmful to the health of women and children. The report on public information and the World Public Information Campaign for Human Rights (E/CN.4/1995/46) listed a number of fact-sheets and other publications: the Commission should recommend that both a fact-sheet and more detailed publications on women's rights should be issued. All such activities must be closely coordinated by the Commission on the Status of Women, the Division on the Status of Women and the Committee on the Elimination of Discrimination Against Women.

50. Lastly, she urged the Commission, as its contribution to the fourth World Conference on Women, to enunciate clearly the need for true partnership between women and men in order to make human rights and fundamental freedoms a reality.

51. Ms. SCHREIBER (International Movement Against All Forms of Discrimination and Racism) congratulated the Special Rapporteur on her thorough and instructive report on violence against women, in which she stressed three forms of violence: violence in the family, violence in the community, and violence perpetrated or condoned by the State. She made reference in her report to "commercial sex workers", yet aside from a minority of women who

practised prostitution of their own free will, the majority of such "workers" were abused, ill-treated and insulted. The fate of such women, especially in developing countries, was still generally overlooked.

52. According to reports, over 200,000 Asian women, mainly Koreans, had been forcibly recruited by the Japanese high command to serve as sex slaves in "military comfort houses" or brothels. Over 20 lawsuits had been filed against the Japanese Government for war compensation for wrongdoings. The Japanese Prime Minister had delivered an apology, but the actions of the State had still to be characterized as a crime under humanitarian law. The question was of critical importance, as it would set a legal precedent for international prosecution of systematic rape and sexual slavery in times of armed conflict.

53. Turning to the problems of displaced persons and mass exodus, she noted that there were currently over 100,000 Bhutanese refugees living in exile in India and Nepal. That figure represented over 16 per cent of the Bhutanese population. Sixty-five per cent of the refugees were women and children. In response to requests from Bhutanese organizations, her organization had sent a mission to Nepal. It had also organized a panel discussion on Bhutan at the forty-sixth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and had supported an appeal to the Government of Bhutan to ensure the safety of all citizens residing in southern Bhutan and to create conditions allowing the return of refugees to their lands, homes and places of origin.

54. It was now more than 20 years since the Secretary-General had first been asked to use his good offices to find a just and viable solution for the problems affecting Cyprus. Continuous efforts had been made to end a situation the Security Council had repeatedly declared unacceptable, and which had resulted in continuous suffering, prolongation of refugee status and exile.

55. In the Indian state of Kashmir, a major exodus of almost the entire religious minority of Pandits and the internal displacement of numerous members of traditional political parties had occurred as a result of the rise of externally-sponsored armed insurgency in 1989. Hundreds of members of those two groups had been killed. For the past six years, nearly 400,000 internally displaced persons had been living in 55 camps. The situation deserved the Commission's attention with a view to ending the ordeal of the refugees and displaced persons.

56. In connection with regional arrangements for the promotion and protection of human rights, she informed the Commission that an Asia-Pacific Human Rights Information Centre had been opened in Osaka (Japan) on 7 December 1994. The Centre was to promote human rights in the Asia-Pacific region and to reflect the region's unique perspectives on human rights. To that end, it would establish an information network and research units, organize education and training courses, provide consultancy services, and publish a newsletter and annual reports.

57. Mr. SILK (Robert F. Kennedy Memorial Center for Human Rights), speaking on agenda item 21, said that his organization wished to emphasize the positive

and complementary roles of the United Nations and the Commission in promoting human rights, especially in States emerging from periods of pervasive human rights abuse. Such countries needed the assistance of the United Nations advisory services in developing their capacity to comply with international standards and redress past abuses. The effectiveness of that assistance might be diminished without the crucial contribution of the Commission in monitoring the evolving human rights situation, which was often marked by continuing human rights abuses as the authorities struggled to establish the institutions necessary for the rule of law.

58. Examples of the positive role played by a combination of United Nations bodies could be seen in Haiti, Cambodia and El Salvador. In Guatemala, the United Nations Mission was beginning its work and the Commission had a vital role to play there in addressing human rights concerns. Human rights violations were still widespread in that country, and the independence of the Judiciary and the activities of the military and the so-called civil self-defence patrols remained matters of great concern.

59. An important part in promoting human rights in Guatemala had been played by the United Nations Independent Expert on Guatemala, whose ability to investigate and act on current and past human rights problems was indispensable if respect for human rights was to be achieved. The report by the Independent Expert was to be commended, especially its clear reiteration of the need to disband the patrols and for continued monitoring and assistance to the Government. The patrols had been responsible for many of the worst human rights violations and had been recognized by the Inter-American Commission on Human Rights as a serious obstacle to domestic peace. The Commission should be unequivocal in calling for their abolition.

60. Both the fact-finding and assistance aspects of the Independent Expert's mandate complemented the Commission's important role in Guatemala, and it was essential to extend the Independent Expert's tenure. Failure to do so would set an unfortunate precedent for United Nations human rights activities in other areas of the world. Given the continuing and serious human rights violations in Guatemala, the Commission needed to discuss the situation in that country under agenda item 12 and should renew the Independent Expert's mandate, including the mandate to report to the Commission.

61. Mr. HERNANDEZ (International Indian Treaty Council), speaking for his own organization and for the Comité de Unidad Campesina, drew the Commission's attention to the plight of people displaced by the conflicts in Guatemala. Since the early 1980s, over 1 million Guatemalans, most of them Mayan, had been forced to leave their homes by the army massacres and "scorched earth" policy. They now lived in cities, in a refuge in southern Mexico or in the forest in the so-called "comunidades de población en resistencia", which had been visited in February 1994 by the Inter-American Commission on Human Rights and the representative of the Independent Expert. Their subsequent reports drew attention to the problems facing the forest communities, notably, harassment and intimidation by the military, lack of legal recognition, essential services and land, and low levels of economic development. The extreme poverty in which the displaced people lived had a direct effect on their health, especially on that of the children. Their appeal to the Government to be allowed to live in dignity had been met with constant

threats, intimidation and violence. There had been forced disappearances, such as that of Lorenzo Quej Pu from the displaced persons settlement "Mario Antonia Diaz"; he had been abducted on 12 January 1994 and his whereabouts were still unknown. There had also been murders, including that of Pedro Perén Mux on 3 December 1994. No attempt had been made to find the people responsible for those crimes.

62. Thousands of Guatemalans had sought refuge in southern Mexico, and his organization had been working to ensure that they could return to their homes in safety and dignity, without a military presence in their communities, and without being forced to form so-called civil self-defence patrols. Orderly return had, however, been put on hold owing to the lack of political will on the part of the Government to resolve the problem of land ownership. His organization endorsed the recommendations of the Independent Expert on Guatemala, which stressed the need to honour the undertakings made in the 8 October 1992 agreements, and to ensure the safety of those returning and provide them with adequate health care and eduction. His organization urged the Commission to consider the situation in Guatemala under agenda item 12 and appoint Mrs. Pinto as Special Rapporteur.

63. Another matter of grave concern to his organization was the forced relocation of members of the Dineh (Navajo) people in parts of Arizona in the United States. Families had been forced to leave their land and to live in cities or on contaminated land by government-ordered culling operations, harassment by law-enforcement officials and private security forces, and the environmental effects of mining operations. The resettlement operations in the areas concerned constituted the largest forced relocation of an indigenous people in the United States in the present century; he urged the Commission to approve Sub-Commission resolution 1994/44, which recommended that the situation be kept under constant observation.

64. Turning to the situation of the indigenous peoples of Hawaii, he recalled that their legitimate Government had been illegally overthrown by the United States in 1893 in violation of a bilateral treaty which had been ratified by both countries. Since then, Hawaiians had been harassed and displaced in their own country and the land stolen from them had never been returned. Although the United States Congress had officially apologized in 1993 for overthrowing the Hawaiian Government, no move had yet been made to restore the sovereignty of the Hawaiian people over their own country, a process which in the view of the Council should begin without further delay.

65. With regard to recent events in the Mexican State of Chiapas, he noted that large numbers of indigenous people, and on occasions entire communities, had been displaced as the army had stepped up its operations. Local officials had exploited the troubles in order to confiscate land which peasant farmers had been forced to abandon. His delegation was also deeply concerned at the plight of indigenous peoples displaced as a result of conflicts between Governments, such as the Shuar-Achuar people who had been driven from their homes in the recent war between Peru and Ecuador. The Council appealed to both Governments to maintain the cease-fire and assist in the process of returning the displaced persons to their homes. It was a deplorable fact that people, once displaced, were seldom allowed to return to their own land,

which often remained under permanent occupation, and the damage done to the land and property of indigenous peoples during armed conflicts was seldom made good by the Governments involved once the conflict was over.

66. The problem of displacement as it affected many indigenous peoples throughout the world was an immense and intractable one, and his delegation hoped that the Representative of the Secretary-General on displaced persons would make it a central part of his mandate.

67. Mr. DEL CASTILLO (Christian Democrat International) said millions of people throughout the world were forced to seek refuge in countries other than their own in order to escape the effects of war or persecution. The problem was thus a global one, affecting both rich and poor countries, and many countries, such as Zaire and Burundi, were both sources of refugees and hosts for people seeking refuge from neighbouring States.

68. Taking the example of Rwanda, he noted that the terrible slaughter and ensuing exodus of refugees from that country had been sparked off by the genocidal persecution of the Tutsi under the Habyarimana regime; that in turn had led to reprisals against the Hutu population once the FPR Government had come to power. The root cause of the mutual slaughter had been the hatred, contempt for human dignity, intolerance and social injustice which generally lay behind human rights abuses in other parts of the world.

69. In the Caribbean, the main cause of the tide of refugees from Cuba and Haiti had been the one-party systems, lack of democracy, poverty and general social injustice which prevailed in those countries. Thousands of desperate refugees had preferred to take their chances on the open sea rather than continue to live in unacceptable conditions. Most had been saved by the United States Coastguard, which, however, had been motivated less by humanitarian concerns than by the desire to prevent the refugees from landing on American territory, continuing a policy established by successive United States administrations during the 1980s.

70. Most of those refugees had been held against their will at the Guantanamo naval base. Following the return of President Aristide, the United States authorities had begun the indiscriminate repatriation of thousands of Haitians held at the base, although many of those thus repatriated faced the real threat of persecution on their return. The action would therefore appear to have been in violation of article 33, paragraph 1, of the Convention relating to the Status of Refugees. Many of the people responsible for grave human rights violations during the first months of President Aristide's rule had returned to Haiti; at the same time, many of the police, military and tontons macoutes responsible for killing and torturing innocent people when General Cedras had been in power were still in the country, still armed and apparently enjoying immunity. The plight of 300 Haitian children held at Guantanamo was particularly tragic. Without parents or guardians, they could not enter the United States and could hardly be said to enjoy conditions conducive to their physical, mental, moral, spiritual and social development, as stipulated in Principle 2 of the Declaration of the Rights of the Child.

71. Christian Democrat International was also concerned at the United States Government's decision not to allow new refugees to land on American territory

and to detain indefinitely those who attempted to do so. Detention without limit could be regarded as a violation of articles 3 and 9 of the Universal Declaration of Human Rights, even if that place of detention was called a secure refuge. He noted that only a small number of humanitarian visas had been granted in particular cases, and several thousand Cuban refugees continued to be held in the United States after serving prison sentences for offences committed in that country.

72. There was a regrettable tendency to blame refugees for the expense involved in caring for them or to criticize them for taking jobs in host countries already hit by recession and unemployment. And refugees were frequently the victims of murderous racist attacks. It would be unjust to blame the rich countries for the actions of extremist minorities, and they were not alone in expelling refugees, but Western democracies which sent back people seeking refuge and protection while at the same time supplying weapons to the inhuman regimes which had created the problem were clearly not acting in the best interests of their own citizens. The only possible remedy lay in sincere and concerted cooperation based on the conviction that human rights, democracy and development were intimately linked and that failure to nurture them could only result in unending conflict.

73. Ms. BRUNET (International Centre for Human Rights and Democratic Development) welcomed the first report by the Special Rapporteur on violence against women, which explicitly acknowledged the fact that such violence had been a major factor in preventing full attainment of human rights objectives, and that problems of gender inequality and violence against women were now more widely recognized in the international community. However, that recognition had yet to be translated into specific action, and more needed to be done within the Commission's various thematic mechanisms to identify and analyse incidents of violence against women in the light of the relevant international instruments.

74. With regard to the specific area of freedom of expression, she wished to draw the Commission's attention to an incident which had occurred at the meeting in Amman in preparation for the Fourth World Conference on Women, when the Special Rapporteur, addressing the meeting on key issues which she felt should be included in the final statement, had been interrupted by the Chairperson and asked to submit further comments in writing. In the view of her organization, such a curtailment of the freedom of a United Nations representative to address a United Nations-sponsored meeting was highly inappropriate and the United Nations had singularly failed on that occasion to promote freedom of expression for one of its own representatives.

75. Concern had been expressed on a number of occasions at the adverse effect of reservations entered by States when ratifying or acceding to international human rights instruments. The largest number of reservations had been entered in connection with the Convention on the Elimination of All Forms of Discrimination Against Women, and in many cases the wording of the reservations had been so broad as to be contrary to the purposes of that Convention. The large number of reservations and their often broad nature hampered the Committee on the Elimination of Discrimination against Women in its ability to fulfil its mandate, which, according to its General Recommendation No. 19, included the examination of cases of gender-based

violence. The Centre therefore called on the Commission, in the appropriate resolutions, to adopt provisions requiring States to withdraw their reservations, or substantially limit their scope. Furthermore, the Centre believed that women's rights would be most effectively implemented through the adoption of an optional protocol to the Convention, which should include provisions for the individual and collective right to petition, and for an inquiry procedure.

76. In the year which marked the fiftieth anniversary of the United Nations, it would be highly appropriate to consider more closely the situation of women within the United Nations system. Despite its efforts to promote women's rights globally, the United Nations system appeared to be riddled with sexism and sexual misconduct. The relevant United Nations bodies needed to review regularly and systematically the situation of their own women staff and to apply the Organization's own human rights standards in that area. The various forms of sexual harassment of women within the Organization could no longer be tolerated. As the Special Rapporteur on violence against women had made clear, the United Nations system must be above reproach in such matters. She urged all the appropriate United Nations bodies to cooperate with the Special Rapporteur in her efforts to address those areas of concern.

77. Lastly, her organization reaffirmed its commitment to assisting the Special Rapporteur in all her work, while reminding the Commission that greater resources would be needed if the Special Rapporteur was to continue to operate effectively.

78. Mr. DAHL (Inuit Circumpolar Conference) said that it was particularly important during the International Decade of Indigenous Peoples to achieve advances in the promotion of human rights and fundamental freedoms for indigenous people on a universal basis. A major step forward would be the adoption by the United Nations of the Draft Declaration on the Rights of Indigenous Peoples, which, with its recognition of the right to self-determination, might help to end centuries of discrimination by the international system. Representatives of indigenous peoples should be able to participate actively in the Working Group responsible for examining the Draft Declaration. Progress in the field of human rights depended on open-mindedness and a belief in the value of dialogue. For the same reason, a permanent forum for indigenous people needed to be established during the Decade, and a workshop set up at the earliest opportunity with the task of formulating specific proposals.

79. The Inuit nation of Canada included Inuit living in all parts of the Canadian Arctic, including their traditional territory in northern Quebec known as Nunavik. The Inuit were a distinct people with their own language, culture, history and values. The right of Inuit to self-determination included the right to determine their political future in Canada and that of Nunavik if the population of Quebec should vote for separation from Canada. The Inuit did not constitute a threat to Canada's territorial integrity. That threat lay in the desire of the current provincial government of Quebec to separate completely from Canada. The Inuit urged the international community to refrain from endorsing or encouraging precedents that would ultimately lead to the disintegration of Canada. Where efforts were being made to dismember a State by a constituent part of the State dominated by non-indigenous people,

the fundamental human rights of the indigenous peoples affected should be respected, including the equal right of such peoples to self-determination and to hold referendums on their future.

80. Canada had stated that Quebec could separate from Canada without the consent of indigenous peoples in Quebec and had announced that it would not respect the result of referendums held by indigenous peoples on that question. Cree and Inuit living in that portion of Quebec north of the fifty-fifth parallel constituted the majority population in their respective territories and in northern Quebec as a whole. The Cree nation in Quebec and the Inuit nation of Canada had each resolved to hold their own democratic referendums to determine their political future and the right of Cree and Inuit in Quebec to remain in Canada. Therefore, in the event of a decision by the provincial government of Quebec to become independent of Canada, the results of democratic referendums held by indigenous peoples on their political future and the future of their territory should be accepted and respected by all States Members of the United Nations.

81. Ms. BUNCH (International Women's Tribune Centre), also speaking on behalf of four other organizations, said that the global campaign for women's rights had played a key role in preparations at the local, national, regional and international levels for the World Conference on Human Rights, held in Vienna in 1993, and in defining violence against women as a human rights abuse. The Vienna Declaration had acknowledged the need for efforts to eliminate violence against women in public and private life, sexual harassment, exploitation, gender bias in the administration of justice, and conflict between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

82. One of the commitments made at the World Conference had been successfully translated into action with the appointment of the Special Rapporteur on violence against women. However, beyond that appointment no significant progress had been made towards the integration of women's human rights concerns, or of women, into the United Nations human rights system. Two years after the World Conference, there were still only three women heads of delegations of the 53 States making up the Commission on Human Rights, for example. At that rate, it was difficult to see how the Commission could come close to meeting the Secretary-General's call for the equal representation of men and women in decision-making positions by the year 2000. The Commission should recommend that priority consideration be given to the appointment of women to all human rights bodies.

83. If women's rights were to form an integral part of United Nations human rights activities, attention should be given to the integration of women and gender-specific issues in the work of all rapporteurs, treaty bodies and working groups. An in-depth examination of how human rights violations manifested themselves in women's lives was essential. Secondly, the examination of economic, social and cultural rights should include the sexual discrimination inherent in the disproportionate number of girls suffering from malnutrition and their unequal access to education, employment and health care. Thirdly, racial discrimination also had gender-specific manifestations

such as ethnic rape and forced pregnancy in times of war and conflict, issues which should be central to the work of the international tribunal recently set up in The Hague if it were to fulfil its mandate.

84. Ms. FACIO (Third World Movement Against the Exploitation of Women), also speaking on behalf of four other organizations, said that in preparation for the World Conference on Human Rights, half a million people from 124 countries had signed a petition to the Conference calling on the United Nations to address the massive violations of women's human rights globally. Since then, women around the world had gathered tens of thousands of signatures requesting that the United Nations should fulfil the commitments it had made in the Vienna Declaration. Specifically, there had been requests for the Centre for Human Rights to prepare a report on the steps taken and plans made to promote and protect women's human rights as part of the discussion of areas of concern at the Fourth World Conference on Women.

85. The Commission on Human Rights should be represented at the Beijing Conference if it were to succeed in increasing cooperation between the human rights system and women's units in the United Nations. She welcomed the recommendation made by the Special Rapporteur on questions of torture that the Commission should send to Beijing other special rapporteurs and representatives from the Commission's working groups and treaty bodies to develop concrete plans and guidelines for the integration of women's rights and gender perspectives into their mandates. The Commission should also submit to the Conference the general recommendations of the Special Rapporteur on violence against women and urge the Conference fully to include those recommendations in its final document.

86. There was also a need systematically to address violations of women's rights that were routinely overlooked, including the rights of groups such as the disabled, indigenous populations, lesbians, prostitutes, prisoners, women in conflict situations, women who belonged to ethnic, racial or religious minorities, and women with HIV or AIDS.

87. The United Nations Decade for Human Rights Education, which was beginning in 1995, provided a unique opportunity for the Centre for Human Rights and Members of the United Nations to integrate gender concerns and perspectives from the outset of its activities. Finally, the Commission should ensure that adequate resources were available to advance its goals related to the integration of women's human rights, and to provide funding for the rapporteurs and other human rights experts so that they could play an effective part in the Beijing Conference.

88. Mr. GRAVES (International Association Against Torture) said that his organization greatly appreciated the efforts and valuable work of the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng. The mass movements of people in the south of Iraq had been well documented in United Nations resolutions and reports. The first phase of what was known as the "Anfal 3" military programme had included the displacement of the populations of almost 50,000 Kurdish villages in the north of the country. The Kurds had eventually been relocated in camps far from their original homes. In 1989, the "Anfal 3" programme had been extended to

the southern marshlands of Iraq, where 400,000 Arab Shiites had been living. After the uprising against the regime in March 1991, many other Iraqis had sought refuge in the marshlands area.

89. In November 1991, the Government of Iraq had launched a military action against the population in the southern region on the pretext that it included enemies of the State. In 1992, the Government had begun its programme of draining the marshlands, covering an area of 11,000 square kilometres, and continued its military operations in the region. Some 200,000 people had fled across the border into the Islamic Republic of Iran where they had been, and continued to be, housed in 20 refugee camps. Approximately 50,000 people remained in the marshlands but they were still trying to escape from the military forces and seek refuge wherever there was water. Since July 1994, thousands of persons, mainly women and children, had fled to the border areas where they were living in desperate conditions. Under phase two of the "Anfal 3" programme, the Government of Iraq had begun to place the remaining inhabitants of the marshlands in concentration camps. There were reports that many women and children had been transported from the region to unknown locations in the west of Iraq.

90. The Commission should intervene in that dramatic situation and call upon the Government of Iraq to cease its military operations and the draining of the marshlands, and to allow the reintegration of the people in their original cultures. The Commission should also request that the Representative of the Secretary-General should make a special report on internally displaced persons in Iraq, and the United Nations and other international humanitarian agencies should provide immediate assistance to the tens of thousands of persons suffering in the frontier region. Finally, the Commission should ask the Secretary-General to call for the opening of all parts of the marshlands for inspection and fact-finding.

91. With regard to another situation involving the tragic displacement of populations, he introduced Mr. Pandita, General Secretary of the organization "Friends of Kashmir", who would make a statement.

92. Mr. PANDITA (Friends of Kashmir) said that the political dimension of internal displacements was of the utmost importance. In several countries, ethnic and religious cleansing was the main cause of such population movements. A frequent cause of internal displacement was the interference of agents external to the country, whose activities were motivated by political strategies, as in the Indian part of Kashmir. At present in Kashmir, as a result of externally-sponsored armed insurgency, an armed struggle had been unleashed for the establishment of a purified theocratic State in place of the existing secular and democratic system. More than 400,000 people belonging primarily to a religious minority, but also including activists of traditional political parties, had been forced from their homes. At the same time, many peace-loving people continued to be held in a state of siege.

93. The Commission should condemn the practice whereby agencies external to Kashmir provided sophisticated arms and logistical support to persons acting in unison with foreign mercenaries. Condemnation of the situation would fully reflect the spirit of the draft resolution on item 9 of the Commission's agenda (E/CN.4/1995/L.12).

94. Ms. IQBAL (Pakistan), speaking in exercise of the right of reply, said that the diatribe against Pakistan by the so-called Indian Institute of Non-Aligned Studies was totally unjustified. With regard to the situation in Kashmir, Pakistan condemned terrorism, and particularly terrorism waged by States. However, when people were subject to foreign occupation, when their homes were invaded, their sons shot and their women dishonoured, those people had the right to take up arms in self-defence. If the Kashmiris were considered terrorists, the same could be said of all those people who had struggled against colonialism and won their freedom, as had happened in many of the States represented in the Commission on Human Rights.

95. Terrorism was the use of indiscriminate force against innocent people. On the basis of that criterion, India was the largest terrorist State in the world. Indian security forces had waged their own campaign of State terrorism in Kashmir, a campaign which had included reprisal killings, the burning of villages and execution of suspects without trial. There had been numerous reports of torture and disappearances leading to the deaths of hundreds of civilians. Terrorist acts had also included the case of Indian forces entering a Kashmiri home and shooting an 11-year-old girl, and an attack on a chemistry student who had been shot several times but survived. India's State terrorism in Jammu and Kashmir had created thousands of refugees, most of whom had fled to Pakistan. There would have been many more refugees if India had not wired and mined almost the entire length of the Line of Control in Kashmir. The war in Kashmir was India's own "dirty little war". Pakistan was not an actor in that war. It too was a victim. Pakistani civilians had been killed by Indians firing across the Line of Control and Pakistan was obliged to care for the Kashmiri refugees.

96. The Indian speaker had also referred to the plight of the Kashmiri Pandits. There had been reports in April 1994 that Pandit migrants had complained that the Government of India had been using them for propaganda purposes. In February 1990, members of the Pandit community had been warned to migrate to safer places because the Government had plans to kill many Kashmiri Muslims, particularly young persons, in order to suppress the uprising against India. The Pandit community understood that it had been used as a scapegoat in a very crude campaign to paint the mass uprising against India as nothing more than a communal flare-up.

97. The diatribe of the Indian speaker was merely a futile effort to divert the world's attention from the atrocities being committed in Kashmir by the Government of India. That also applied to the allegations made by Mr. Pandita, who had been inducted into the list of speakers by the International Association Against Torture. The Government of India should allow impartial observers to enter Indian-occupied Kashmir and see the situation for themselves.

98. Mr. SALMAN (Observer for Iraq), speaking in exercise of the right of reply, said that the statement made by the International Association Against Torture had contained numerous lies and inaccuracies. It had been alleged that many Kurds had fled from the north of Iraq. However, it should be borne in mind that the north of Iraq had been the scene of intensive military

operations during the war between Iraq and Iran and the Gulf war. It was common knowledge that the north of Iraq, which was under international protection, was a region of safety for the Kurdish population.

99. With regard to the southern marshlands of Iraq, the area provided a traditional place of refuge for killers and fugitives and a base from which terrorist attacks were carried out against Iraq. The aim of such activities was to ensure that there was a permanent situation of insecurity and instability for political reasons. Any alleged violations of human rights or mass displacements were groundless. Emigration was prompted by economic and social factors, and the adverse consequences of sanctions against Iraq.

100. With regard to the draining of the marshlands, the project was designed to develop and improve agricultural land. It had been launched in the 1950s, and had been planned and implemented by United States, British, Russian and German companies. The need to develop agricultural land had been heightened by the economic sanctions against Iraq.

101. Mr. ALI RAO (India), speaking in exercise of the right of reply, said that Pakistan's diatribe against India was an excuse behind which it sought to hide its own black record in Kashmir. Jammu and Kashmir, like the rest of India, was a multi-religious and multi-ethnic society where Hindus, Muslims, Buddhists, Sikhs and Christians had traditionally lived together in harmony until Pakistan had introduced religious-based separatism by sponsoring terrorism. Its aims were to destroy the foundations of the secular society. Pakistan represented a source of religious intolerance, religious extremism and religious-based terrorism in an integral part of India, perpetrated in pursuit of its territorial designs.

102. Mr. AKRAM (Pakistan), speaking in exercise of the right of reply, said that thousands of Muslims were murdered in India every year. For example, on 6 December 1992, fanatical Hindu mobs had destroyed the Babri Mosque in Ayodhya and marked 3,000 houses belonging to Muslims whom they intended to kill and did kill. Similarly, in Bombay in January 1993, fanatics had called for the killing of Muslims. The police had joined in the slaughter of Muslims and 300,000 Muslims had been displaced.

103. With regard to Kashmir, 90 per cent of the population were Muslims. In accordance with the plan of partition, Kashmir should have been part of Pakistan. However, India had used military force to occupy Kashmir. The people of Kashmir wanted to determine their own future, which they should be allowed to do, and India should withdraw its army from the region.

104. Mr. ALI RAO (India), again speaking in exercise of the right of reply, said that following the Babri incident 720 Hindu temples in Pakistan had been destroyed. Religious intolerance in Pakistan had become State policy, and religious minorities were treated as second or third-class citizens. The Human Rights Commission of Pakistan had itself documented the daily horrors facing minorities in Pakistan. In its 1994 report, it had stated that Pakistan's blasphemy law had led to at least two public killings. There had been cases of the seizure of church land, kidnapping of young Hindu girls, discrimination with regard to the remuneration of women, and sexual harassment at the workplace; there was reported to be one rape every three hours.

105. Mr. AKRAM (Pakistan), again speaking in exercise of the right of reply, said that the Hindu temples had been destroyed as an act of vengeance following the outrage at the Babri Mosque. However, each and every temple had been rebuilt at the expense of the Government of Pakistan. It would be interesting to know whether the Government of India had rebuilt the Babri Mosque in Ayodhya. It seemed that it had not and that a Hindu temple had been constructed in its place. Pakistan was a free country and the national Human Rights Commission had every right to criticize the Government of Pakistan.

106. Pakistan's blasphemy laws may indeed have led to the killing of two people by fanatics. However, it should be remembered that 3,000 Muslims had been killed in Ayodhya and 5,000 in Bombay, and nothing had been done about it. With regard to rape, there were reports that hundreds of women had been raped by Indian troops in Kashmir. The representative of India therefore had no cause to claim the moral high ground.

The meeting rose at 10.10 p.m.